

Message Text

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47

ACTION EB-11

INFO OCT-01 EUR-25 EA-11 NEA-10 ADP-00 CAB-09 CIAE-00

COME-00 DODE-00 INR-09 NSAE-00 RSC-01 FAA-00 SS-14

NSC-10 L-03 INRE-00 RSR-01 /105 W

----- 050114

P R 141210 Z MAR 73

FM AMEMBASSY BEIRUT

TO SECSTATE WASHDC PRIORITY 1078

INFO AMCONSUL HONG KONG

AMEMBASSY TOKYO

FAA BRUSSELS

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E. O.#11652: N/ A

TAGS: ETRN, LE, HK, JA, US

SUBJ: CIVAIR: TMA SCHEDULED SERVICES HONG KONG- TOKYO- U. S.

REF: BEIRUT 0180 (1973), 1183 (1972)

SUMMARY: TMA PRESIDENT ABU- HAIDAR INFORMS EMBASSY THAT POSITION TAKEN BY CAB TO HOLD FORMAL HEARING ON WHETHER TMA MAY EXERCISE TRAFFIC RIGHTS AT HONG KONG ADJUDICATES A RIGHT ALREADY AFFIRMED IN USG- GOL ACCORD. POINTS OUT THAT, AS LANGUAGE OF TEXT GRANTING PAN AM TRAFFIC RIGHTS HONG KONG SIMILAR TO LANGUAGE OF TEXT GRANTING TMA THIS RIGHT, IT WOULD BE INCONSISTENT FOR ONE AIRLINE TO HAVE THIS RIGHT AND NOT THE OTHER. HE HAS THEREFORE RAISED THE ISSUE WITH GOL HIGH AVIATION COUNCIL. PAN AM INFORMED OF THIS STEP. ABU- HAIDAR'S MOVE OBVIOUSLY TACTICAL BUT IT WOULD SEEM TO BE IN OUR INTEREST TO RE- EXAMINE AT THIS STAGE THE SOUNDNESS OF OUR POSITION ON TMA'S RIGHT TO TRAFFIC RIGHTS AT HONG KONG AND ON ACTION REQUIRED BY CAB TO SETTLE THIS MATTER. END SUMMARY.

1. MUNIR ABU- HAIDAR, TMA PRESIDENT INFORMED EMBASSY MARCH 13 THAT HIS AIRLINE PLANNING TO ADD HONG KONG
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AS INTERMEDIATE POINT ON LEBANON- U. S.- LEBANON TWICE-
WEEKLY EASTBOUND SCHEDULED SERVICES EFFECTIVE APRIL 1,
1973.

2. HE AGAIN POINTED OUT THAT BY USG- GOL EXCHANGE OF
NOTES DATED AUGUST 27, 1970, GOL ACCORDED INTERIM RIGHTS
(UNTIL MAY 27, 1976) FROM LEBANON VIA INTERMEDIATE POINTS
IN ASIA TO NEW YORK AND BEYOND VIA SHANNON OR DUBLIN,
AMSTERDAM AND BASEL TO LEBANON, IN AN EASTBOUND DIRECTION
ONLY. THIS WOULD COVER INTERMEDIATE POINT HONG KONG.
HOWEVER, FOREIGN AIR CARRIER OPERATING PERMIT ISSUED BY
USG ON MAY 8, 1971, DEVIATED FROM LANGUAGE OF NOTE EX-
CHANGE BY SPECIFYING INDONESIA, MALAYSIA, AND PHILIPPINES,
TAIWAN, JAPAN, WHICH EXCLUDES HONG KONG.

3. ABU- HAIDAR STATES GOL FORMALLY BROUGHT TO ATTENTION OF
USG THAT LANGUAGE OF TMA' S PERMIT WAS MORE RESTRICTIVE
THAN EXCHANGE OF NOTES, WITH NO RESPONSE FROM USG.

4. ABU- HAIDAR INDICATES THAT CAB INSISTENCE ON FORMAL
HEARING (DUE PRESSURE FROM THE FLYING TIGER LINE) ADJUD-
ICATES TMA' S HONG KONG RIGHTS ALREADY AFFIRMED BY
GOL- USG AGREEMENT, AND MOREOVER WOULD INHIBIT TMA EX-
ERCISING HONG KONG RIGHTS UNTIL AT LEAST FALL 1973, AT
EARLIEST.

5. NOT COINCIDENTALLY, ABU- HAIDAR RECALLED THAT PAN AM' S
RIGHTS AT HONG KONG ON THE U. S.- LEBANESE ROUTE ARE REFER-
RED TO IN THE AIR TRANSPORT AGREEMENT AS QUOTE FROM THE
UNITED STATES VIA INTERMEDIATE POINTS IN EUROPE AND
TURKEY TO BEIRUT AND BEYOND VIA POINTS IN INDIA AND
BEYOND VIA POINTS TO THE UNITED STATES. END QUOTE.
OBSERVED THAT LANGUAGE USED TO COVER TMA' S RIGHTS AND
PAN AM' S RIGHTS WAS BASICALLY THE SAME AND THAT IT WAS
INCONSISTENT, THEREFORE, FOR HONG KONG TO BE AUTHORIZED
BY ONE AND NOT BY THE OTHER. ADDED THAT HE HAD POINTED
OUT THIS INCONSISTENCY TO THE GOL HIGH AVIATION COUNCIL,
SUGGESTING THAT IT MIGHT WISH TO TAKE APPROPRIATE ACTION.

6. EMBASSY SUBSEQUENTLY CHECKED OUT THIS MATTER WITH
HIGH AVIATION COUNCIL' S DIRECTOR GENERAL CIVIL AVIATION (BEYDOUN)
WHO CONFIRMED THAT COUNCIL PLANNING TO DISCUSS PROBLEM ON MARCH
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21 BUT THAT IT WAS AS YET NOT KNOWN WHAT ACTION, IF ANY, WOULD

BE TAKEN. FIRST OF ALL, A REVIEW WOULD HAVE TO BE MADE TO DETERMINE, IF IN FACT, THE USG IN GRANTING FOREIGN AIR CARRIER PERMIT TO TMA IMPOSED RESTRICTIONS INCONSISTENT WITH AGREED- UPON OPERATING RIGHTS.

7. WE HAVE INFORMED PAN AM' S LOCAL REGIONAL MANAGER, WILLIAMS, OF THE COMMENTS MADE BOTH BY ABU- HAIDAR AND THE DIRECTOR GENERAL OF CIVIL AVIATION.

COMMENT: AS PREDICTED LAST NOVEMBER (BEIRUT 11835), THIS MATTER HAS FINALLY COME TO A HEAD. IN GENERAL, WE ARE INCLINED TO BE SYMPATHETIC, IF NOT TO ABU- HAIDAR' S TACTICS, AT LEAST TO HIS BASIC ARGUMENTS. FROM THE WORDING OF THE AGREEMENT INVOLVED, IT WOULD SEEM THAT TMA WOULD HAVE AS MUCH RIGHT TO TRAFFIC RIGHTS AT HONG KONG AS PAN AM. OBVIOUSLY ABU- HAIDAR IS MORE INTERESTED IN GETTING TO HONG KONG THAN NOT HAVING PAN AM FLY THERE AND THE " OVSERVATIONS" HE HAS MADE SO FAR HAVE THIS IN VIEW. HOWEVER, IN ANTICIPATION OF POSSIBLE DIFFICULTIES WE BELIEVE IT WOULD BE IN OUR INTEREST NOW TO RE- EXAMINE THE MATTER IN FURTHER DETAIL IN ORDER TO CONFIRM THE SOUNDNESS OF OUR POSITION, BOTH WITH RESPECT TO THE ISSUE OF HONG KONG AND THE LANGUAGE OF THE USG- GOL EXCHANGE OF NOTES AND WITH RESPECT TO WHAT FORMALITIES ARE IN FACT REQUIRED BEFORE CAB ACTION CAN BE TAKEN.

BUFFUM

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